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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,179	06/20/2003	Steven E. Barile	42P15785	9758
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EXAMINER KIANERSI MITRA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/600,179

Applicant(s)

BARILE, STEVEN E.

Examiner

Mitra Kianersi

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06232006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mastronardi (US Patent No: US 6,346,951 B1), and further in view of Dengler (US Patent No: US 6,581,103 B1).

Claim 1

As per claims 1, a method comprising: Mastronardi teaches creating a play list based on a user's preferences; (Fig.7, Fig.8 and Fig.9), **occasionally** connecting a **portable** device of the user to a network; (col 1, lines 36-62), submitting the play list to a multimedia content provider through the network; (col 3, lines 63-67, col 4, lines 1-5 and col 9, lines 38-55), gathering multimedia content specified in the play list, (Fig.5 and col 8, 63-67 and col 9, lines 1-20), downloading the multimedia content to a multimedia content cache in the **portable** device, (see col 11, lines 10-12), disconnecting the **portable** device from the network, (the appearance of an end of time-out indicating that the system is inactive: when one of the various timers is activated, control is temporary turned over to the inactivity routine module IRM for processing, col 5, lines 59-62), Mastronardi teaches playing the multimedia content (e.g., i.e. noted in col. 10 lines 25-30) on the **portable** device. Knowing that Mastronardi teaches it is well known device as a Jukebox that communicates with a network using a modem (see col. 1 lines 36-41),

also there are pocket Jukebox available (well known device, see US6577735B1). A person skill in the art would be motivated using the Jukebox of Mastronardi as the portable Jukebox since is well known in the art.

Mastronardi is silenced teaching a portable jukebox as the amended part of the claimed invention recited "portable device". However, Dengler teaches the amended part "portable device" in the claimed invention, (the final selection played, col 3, lines 25-50).

Examiner takes an official notice, because Mastronardi teaches a well known device as a Jukebox that communicates with a network using a modem (see col. 1 lines 36-41), also there are pocket Jukebox available (a well known device, see PTO-892, e.g., **US6577735B1**). A person skill in the art would be motivated using the Jukebox of Mastronardi as the portable device.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dengler into Mastronardi's teachings in order to access the network, whether it's a portable computer, desktop unit, or handheld device.

Claim 2

As per claims 2 and 18, the method wherein creating a play list comprises:

- creating an initial play list based on at least one of the following: the user's specifications, a play list pre-defined by the user, and a play list pre-determined by the multimedia content provider; (col 7, lines 3-44)
- expanding the initial play list by recommending to the user additional content based on the user's preferences; (col 7, lines 3-44)
- refining the expanded initial play list based on the user's feedback. (Each event that is interpreted by the associated touch-screen interface is then delivered to the corresponding module in order to trigger either a modification of a running program by calling, for

example, another graphic module, or a modification of the physical parameters of the machine by causing these parameters to be stored and ensuring later use by the electronics associated with this parameter. (Col 5, lines 19-26)

Claims 3 and 19, the method wherein expanding the initial play list comprises cross-pollinating the initial play list using play lists of other users. (Col 2, lines 59-62)

Claims 4 and 20, the method wherein the device comprises a portable device. (Col 4, lines 42-47).

Claims 5 and 21, the method wherein playing the multimedia content comprises accessing the multimedia content and rendering the multimedia content to the user. (Col 6, lines 45-51)

Claims 6 and 22, the method wherein accessing the multimedia content comprises at least one of the following: unpacking, decrypting, decompressing, and decoding the multimedia content. (decompressing, col 7, lines 66-67 and col 8, lines 1-24)

Claims 7 and 23, the method, wherein the network comprises at least one of the following: a local area network, a wide area network, the Internet, a terrestrial broadcast network, and a wireless network. (Col 1, lines 36-40)

Claims 8 and 24, a method comprising:

- connecting occasionally to device through the internet, ((col 8, lines 24-62)

- accepting a play list of multimedia files; (col 8, lines 24-62)

- searching a database for multimedia content according to the play list; processing the multimedia content before the multimedia content is downloaded; (the window zone, which includes the several windows, displays a cover in each window and includes representations of selection criteria for searching the database of the system. The selection criterion can be

activated when the user touches the screen. The selection criterion consists of data ranges such as recent decades, music category, song index, etc. col 2, lines 26-32)

-transferring the multimedia content to an occasionally-connected device while connected. (Col 9, lines 39-55)

Claims 9 and 25, the method wherein the occasionally connected device comprises a portable device. (Col 4, lines 42-47).

Claims 10 and 26, the method wherein processing the multimedia files comprises at least one of the following: packaging, encrypting, compressing, and encoding the multimedia files. (compressing, col 1, lines 36-47)

Claims 11 and 27, the method wherein the database comprises at least one of static and dynamic multimedia content. (An audio or audiovisual selection is being played, in col 10, lines 25-45 describes the static and dynamic status of the system).

Claim 12 is rejected with similar reasons as set forth in claim 1, above.

Claim 13, The system wherein the play list creator comprises: a play list generating mechanism capable of generating a play list; (Fig.7, Fig.8 and Fig.9) a pre-determining mechanism capable of at least one of the following receiving parameters specifying the user's preferences, loading a user pre-defined play list, and providing a number of play lists pre-determined by the multimedia content provider;(Col 7, lines 3-44) a recommendation mechanism capable of expanding the play list by recommending additional multimedia files; (Col 2, lines 59-62) a user feedback uploading mechanism capable of uploading the user feedback to refine the play list. (Col 5, lines 19-26).

Claim 14, the system wherein the multimedia content provider comprises:

-a communication port; (high-performance serial and parallel ports; col 3, line 39)

-a multimedia content database. (Each zone of a window is associated, via the touch-screen interface software, with at least one address for accessing the items of information in the database that is stored in the bulk memory belonging to the album cover whose image is displayed in the window that is touched by the user. Abstract)

-a searching mechanism capable of searching the multimedia content database for multimedia files in the play list; (Each zone of a window is associated, via the Touch-screen interface software, with at least one address for accessing the items of information in the database that is stored in the bulk memory belonging to the album cover whose image is displayed in the window that is touched by the user. Abstract)

-a content processing mechanism capable of at least one of the following: packaging, encrypting, compressing, and encoding the multimedia files. (Compressing, col 1, lines 36-47)

Claim 15, the system wherein the multimedia content cache comprises:

-a communication port; (high-performance serial and parallel ports; col 3, line 39)

-a receiving component capable of downloading and receiving the multimedia files from the multimedia content provider through a network; (the window zone, which includes the several windows, displays a cover in each window and includes representations of selection criteria for searching the database of the system. The selection criterion can be activated when the user touches the screen. The selection criterion consists of data ranges such as recent decades, music category, and song index, and etc. col 2, lines 26-32)

-a storage component capable of storing the multimedia files. (Data required for the display can be selected from information that is stored in a bulk memory representing an image of the

recording cover. Corresponding music recordings are stored in the bulk memory of the reproduction system, and each zone of a window is associated with at least one address for accessing the information of the databases via a touch-screen interface. (Col 2, lines 36-52)

Claim 16, wherein the multimedia content player comprises:

- a multimedia content access module capable of at least one of the following: unpacking, decrypting, decompressing, and decoding the multimedia files stored in the multimedia content cache; (decompressing, col 7, lines 66-67 and col 8, lines 1-24)
- a multimedia content rendering mechanism capable of rendering the multimedia files to a user. (Col 6, lines 45-51).

Claim 17 is rejected with similar reasons as set forth in claim 1, above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (571)272-3915. The examiner can normally be reached on 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mitra Kianersi/
Examiner, Art Unit 2445
04/16/2009

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